

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

FILED
11/3/2021 2:55 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021L010735

SEQUOIA Y. WALKER, as Guardian)
for, ROBERT LOUIS WALKER,)

Plaintiff,)

v.)

DALI TRANSPORTATION, LLC,)

Defendant.)

Case No. 2021L010735

JURY TRIAL DEMAND

COMPLAINT AT LAW

COUNT I – NEGLIGENCE – RESpondeat Superior
DALI TRANSPORTATION, LLC

Plaintiff, SEQUOIA Y. WALKER, as Guardian for ROBERT LOUIS WALKER, through her attorneys, CAVANAGH LAW GROUP, complaining of Defendant, DALI TRANSPORTATION, LLC, alleges as follows:

1. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, was a corporation licensed to do business in the state of Illinois.

2. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, maintained an office at 5105 Tollview Drive, Ste. 255, in Rolling Meadows, Illinois, County of Cook.

3. On November 30, 2020, and at all times relevant, DALI TRANSPORTATION, LLC, maintained a registered agent in the State of Illinois, Registered Agents, Inc., 2501 Chatham Road, Ste. R, in Springfield, Illinois.

4. On and before November 30, 2020, and at all times relevant hereto, Defendant, DALI TRANSPORTATION, LLC, conducted substantial business in the County of Cook, State of Illinois and derived revenue from said Cook County, Illinois operations.

5. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, was subject to the rules and regulations of the United States Department of Transportation and the Federal Motor Carrier Safety Administration, codified in Title 49 of the Code of Federal Regulations, parts 300-399 and related parts.

6. On November 30, 2020, and at all times relevant, Driver, Umed Kayumov was subject to the rules and regulations of the United States Department of Transportation and the Federal Motor Carrier Safety Administration, codified in Title 49 of the Code of Federal Regulations, parts 300-399 and related parts.

7. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, owned, operated, and/or leased of the 2020 Freightliner semi-tractor trailer, Florida license plate: JB8151, VIN No. 1FUJHHDR8LLLP3450, operated by Driver, Umed Kayumov.

8. On November 30, 2020, and at all times relevant, Driver, Umed Kayumov, operated the 2020 Freightliner semi-tractor trailer, Florida license plate: JB8151, VIN No. 1FUJHHDR8LLLP3450, under the authority and control of his employer DALI TRANSPORTATION, LLC.

9. On November 30, 2020, and at all times relevant, Driver, Umed Kayumov, operated the 2020 Freightliner semi-tractor trailer, Florida license plate: JB8151, VIN No. 1FUJHHDR8LLLP3450, with the consent of his employer DALI TRANSPORTATION, LLC.

10. On November 30, 2020, Umed Kayumov, was a duly authorized agent of Defendant, DALI TRANSPORTATION, LLC, acting within the scope of his agency at the time and place of the aforesaid collision.

11. On November 30, 2020, Umed Kayumov, was a duly authorized employee of

Defendant, DALI TRANSPORTATION, LLC, acting within the scope of his employment at the time and place of the aforesaid collision.

12. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, possessed and maintained the United States Department of Transportation, Federal Motor Carrier Safety Administration, operating authority for the commercial motor vehicle that Driver, Umed Kayumov, was operating at the time of the aforesaid collision.

13. On November 30, 2020, and at all times relevant hereto, Interstate 26 was a public roadway traveling in a generally east/west direction at or near mile marker 12 in Spartanburg, South Carolina.

14. On November 30, 2020, Plaintiff, ROBERT LOUIS WALKER, operated and controlled a 2018 Toyota Yaris in a westbound direction on Interstate-26 near mile marker 12 in Spartanburg, South Carolina.

15. On November 30, 2020, Driver, Umed Kayumov, operated a 2020 Freightliner Semi-tractor trailer in a westbound direction on Interstate 26 near mile marker 12 in Spartanburg, South Carolina.

16. On November 30, 2020, and at all times relevant, the 2020 Freightliner semi-tractor trailer left his designated lane of travel and crossed the dividing line between the left and right traffic lanes for westbound Interstate 26 and collided with the rear of the 2018 Toyota Yaris operated by ROBERT LOUIS WALKER, in the right traffic lane.

17. On November 30, 2020, and at all times relevant, Plaintiff, ROBERT LOUIS WALKER, continuously operated his 2018 Toyota Yaris in a peaceful and inoffensive manner in the right-hand traffic lane for westbound Interstate 26 at or near mile marker 12 in Spartanburg,

South Carolina.

18. On November 30, 2020, and at all times relevant, the collision between the 2020 Freightliner semi-tractor trailer and the 2018 Toyota Yaris caused the 2018 Toyota Yaris to leave the roadway collide with a tree adjacent to Interstate 26 at or near mile marker 12 in Spartanburg, South Carolina.

19. On November 30, 2020, and at all times relevant, it was the duty of Defendant, DALI TRANSPORTATION, LLC, by and through its duly authorized agent or employee, Umed Kayumov, to own, operate, maintain, and control the 2020 Freightliner semi-tractor trailer in a manner so as not to negligently cause injury to persons on the public way, including ROBERT LOUIS WALKER.

20. At the time and place aforesaid, Defendant, DALI TRANSPORTATION, LLC, by and through its agent or employee, including but not limited to Umed Kayumov, was negligent in one or more of the following respects:

- a. Failed to maintain proper control over the 2020 Freightliner semi-tractor trailer to avoid colliding with another vehicle;
- b. Failed to keep and maintain a proper lookout for other vehicle(s) on the roadway;
- c. Failed to reduce speed to avoid colliding with other vehicle(s) on the roadway in violation of 625 ILCS 5/11-601 and IC 9-21-5-1;
- d. Failed to adjust the speed and lateral position of the 2020 Freightliner semi-tractor so as to avoid a collision, in violation of 625 ILCS 5/11-905;
- e. Failed to ascertain whether a lane change was able to be done safely, prior to leaving the left lane for westbound Interstate 26, in violation of 625 ILCS 5/11-709;
- f. Failed to follow and comply with rules and regulations codified in 49 CFR 300 *et seq.*, including but not limited to, not having his legally required logbook, violating regulations on maximum driving time, failing to reduce speed, and failing to exercise reasonable caution; and

- g. Was otherwise careless and negligent in the operation of the 2020 Freightliner semi-tractor.

21. As a direct and proximate result of one or more of the aforesaid acts or omissions of Defendant, DALI TRANSPORTATION, LLC, by and through its agent and employee, Umed Kayumov, Plaintiff, ROBERT LOUIS WALKER, sustained severe permanent injuries of a personal and pecuniary nature.

22. Plaintiff, ROBERT LOUIS WALKER's, damages are valued in excess of \$50,000.00 as required by the Law Division for the Circuit Court of Cook County.

23. On January 26, 2021, SEQUOIA Y. WALKER was appointed Guardian of ROBERT LOUIS WALKER, by the General Court of Justice, Superior Court Division, Rutherford County, North Carolina, Case No. 21 E 41. A copy of the Letters of Appointment General Guardian is attached as Exhibit A.

WHEREFORE, Plaintiff, SEQUOIA Y. WALKER, as Guardian for ROBERT LOUIS WALKER, prays that judgment be entered in her favor against Defendant, DALI TRANSPORTATION, LLC, in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, Illinois, plus costs.

COUNT II – NEGLIGENCE
DALI TRANSPORTATION, LLC

Plaintiff, SEQUOIA Y. WALKER, as Guardian for ROBERT LOUIS WALKER, through her attorneys, CAVANAGH LAW GROUP, complaining of Defendant, DALI TRANSPORTATION, LLC, alleges as follows:

1. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, was a corporation licensed to do business in the state of Illinois.
2. On November 30, 2020, and at all times relevant, Defendant, DALI

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3. On November 30, 2020, and at all times relevant, DALI TRANSPORTATION, LLC, maintained a registered agent in the State of Illinois, Registered Agents, Inc., 2501 Chatham Road, Ste. R, in Springfield, Illinois.

4. On and before November 30, 2020, and at all times relevant hereto, Defendant, DALI TRANSPORTATION, LLC, conducted substantial business in the County of Cook, State of Illinois, and derived revenue from said Cook County, Illinois operations.

5. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, was subject to the rules and regulations of the United States Department of Transportation and the Federal Motor Carrier Safety Administration, codified in Title 49 of the Code of Federal Regulations, parts 300-399 and related parts.

6. On November 30, 2020, and at all times relevant, Driver, Umed Kayumov was subject to the rules and regulations of the United States Department of Transportation and the Federal Motor Carrier Safety Administration, codified in Title 49 of the Code of Federal Regulations, parts 300-399 and related parts.

7. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, owned, operated, and/or leased the 2020 Freightliner semi-tractor trailer, Florida license plate: JB8151, VIN No. 1FUJHHDR8LLLP3450, operated by Driver, Umed Kayumov.

8. On November 30, 2020, and at all times relevant, Driver, Umed Kayumov, operated the 2020 Freightliner semi-tractor trailer, Florida license plate: JB8151, VIN No. 1FUJHHDR8LLLP3450, under the authority and control of his employer DALI

TRANSPORTATION, LLC.

9. On November 30, 2020, and at all times relevant, Driver, Umed Kayumov, operated the 2020 Freightliner semi-tractor trailer, Florida license plate: JB8151, VIN No. 1FUJHHDR8LLLP3450, with the consent of his employer DALI TRANSPORTATION, LLC.

10. On November 30, 2020, Umed Kayumov, was a duly authorized agent of Defendant, DALI TRANSPORTATION, LLC, acting within the scope of his agency at the time and place of the aforesaid collision.

11. On November 30, 2020, Umed Kayumov, was a duly authorized employee of Defendant, DALI TRANSPORTATION, LLC, acting within the scope of his employment at the time and place of the aforesaid collision.

12. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, possessed and maintained the United States Department of Transportation, Federal Motor Carrier Safety Administration, operating authority for the commercial motor vehicle that Driver, Umed Kayumov, was operating at the time of the aforesaid collision.

13. On November 30, 2020, and at all times relevant hereto, Interstate 26 was a public roadway traveling in a generally east/west direction at or near mile marker 12 in Spartanburg, South Carolina.

14. On November 30, 2020, Plaintiff, ROBERT LOUIS WALKER, operated and controlled a 2018 Toyota Yaris in a westbound direction on Interstate 26 near mile marker 12 in Spartanburg, South Carolina.

15. On November 30, 2020, Driver, Umed Kayumov, operated a 2020 Freightliner Semi-tractor trailer in a westbound direction on Interstate 26 near mile marker 12 in Spartanburg,

South Carolina.

16. On November 30, 2020, and at all times relevant, the 2020 Freightliner semi-tractor trailer left his designated lane of travel and crossed the dividing line between the left and right traffic lanes for westbound Interstate 26 and collided with the rear of the 2018 Toyota Yaris operated by ROBERT LOUIS WALKER, in the right traffic lane.

17. On November 30, 2020, and at all times relevant, Plaintiff, ROBERT LOUIS WALKER, continuously operated his 2018 Toyota Yaris in a peaceful and inoffensive manner in the right-hand traffic lane for westbound Interstate 26 at or near mile marker 12 in Spartanburg, South Carolina.

18. On November 30, 2020, and at all times relevant, the collision between the 2020 Freightliner semi-tractor trailer and the 2018 Toyota Yaris caused the 2018 Toyota Yaris to leave the roadway collide with a tree adjacent to Interstate 26 at or near mile marker 12 in Spartanburg, South Carolina.

19. On November 30, 2020, and at all times relevant, the collision between the 2020 Freightliner semi-tractor trailer and the 2018 Toyota Yaris operated by ROBERT LOUIS WALKER, forced the 2018 from the roadway and caused it to collide with a tree adjacent to Interstate-26 at or near mile marker 12 in Spartanburg, South Carolina.

20. On November 30, 2020, and at all times relevant, it was the duty of Defendant, DALI TRANSPORTATION, LLC, to act reasonably in hiring and retaining Driver, Umed Kayomov, to operate the 2020 Freightliner semi-tractor trailer.

21. On November 30, 2020, and at all times relevant, Defendant, DALI TRANSPORTATION, LLC, had a duty to promulgate and enforce rules and regulations to ensure its drivers, including but not limited to Umed Kayumov, and vehicles, including the 2020

Freightliner semi-tractor trailer, were reasonably safe and in compliance with all applicable state and federal laws.

22. Upon information and belief, Defendant, DALI TRANSPORTATION, LLC, was negligent in one or more of the following respects:

- a) Allowed Umed Kayumov to operate the 2020 Freightliner semi-tractor trailer, when it knew or reasonably should have known that Umed Kayumov was unfit to operate a commercial semi-tractor trailer;
- b) Allowed Umed Kayumov to operate the 2020 Freightliner Semi Truck while in violation of applicable federal regulations at 49 CFR 300, *et seq.*;
- c) Failed to properly train Umed Kayumov to be an over the road truck driver;
- d) Failed to discipline or re-train Umed Kayumov when it knew or reasonably should have known Umed Kayumov failed to comply with various state and federal rules and regulations;
- e) Failed to remove Umed Kayumov from his duties after DALI TRANSPORTATION, LLC, knew or reasonably should have known Umed Kayumov was unfit to be an over the road truck driver; and
- f) Failed to supervise Umed Kayumov when necessary or reasonable to do so to ensure the safety and compliance with applicable state and federal rules and regulations.

20. As a direct and proximate result of one or more of the aforesaid acts or omissions of Defendant, DALI TRANSPORTATION, LLC, Plaintiff, ROBERT LOUIS WALKER, sustained severe permanent injuries of a personal and pecuniary nature.

21. Plaintiff, ROBERT LOUIS WALKER's, damages are valued in excess of \$50,000.00 as required by the Law Division for the Circuit Court of Cook County.

22. On January 26, 2021, SEQUOIA Y. WALKER was appointed Guardian of ROBERT LOUIS WALKER, by the General Court of Justice, Superior Court Division, Rutherford

County, North Carolina, Case No. 21 E 41. A copy of the Letters of Appointment General Guardian is attached as Exhibit A.

WHEREFORE, Plaintiff, SEQUOIA Y. WALKER, as Guardian for ROBERT LOUIS WALKER, prays that judgment be entered in her favor against Defendant, DALI TRANSPORTATION, LLC, in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, Illinois, plus costs.

Respectfully submitted,



Attorney for Plaintiff

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Hearing Date: No hearing scheduled
 Courtroom Number: No hearing scheduled
 Location: No hearing scheduled

STATE OF NORTH CAROLINA

File No.

21 E 41

RUTHERFORD

County

In The General Court Of Justice
 Superior Court Division
 Before the Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Ward

ROBERT LOUIS WALKER

**LETTERS OF APPOINTMENT
 GENERAL GUARDIAN**

☒ Incompetent Person☐ Minor

G.S. 35A-1203, -1206, -1251; 34-2.1

The Court in the exercise of its jurisdiction for the appointment of guardians of incompetent persons and minors, and upon proper application, has appointed the person(s) named below as General Guardian(s) of the ward named above and has ordered that these Letters Of Appointment be issued.

The General Guardian is fully authorized and entitled under the laws of North Carolina to receive, manage and administer the property, estate and business affairs of the ward and to have the custody, care and control of the ward.

These Letters are issued to attest to that authority and to certify that it is now in full force and effect.

FILED
 11/3/2021 2:55 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2021L010735

Witness my hand and the Seal of the Superior Court.

Name And Address Of General Guardian 1

SEQUOIA Y. WALKER
 178 DALEHURST DRIVE
 FOREST CITY, NC 28043

Date Of Qualification

1/26/2021

Clerk Of Superior Court

STEVE H. OWENS

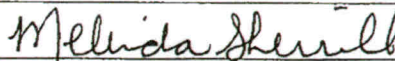
EX OFFICIO JUDGE OF PROBATE

Name And Address Of General Guardian 2

Date Of Issuance

1/26/2021

Signature


☐

Deputy CSC

☒

Assistant CSC

☐

Clerk Of Superior Court

SEAL

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.

AOC-E-413, Rev. 4/11
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FILED DATE: 11/3/2021 2:55 PM 2021L010735